

74

BAKER BOTTS, L.L.P.
30 Rockefeller Plaza
New York, NY 10112
(212) 705-5000

UNITED STATES PATENT & TRADEMARK OFFICE
FACSIMILE COVER SHEET

Date: July 14, 2000

Fax No.: (703) 308-6916

No. Of Pages: 4 (including cover sheet)Time Sent:

FAX RECEIVED

JUL 14 2000

FACSIMILE: (212) 705-5020 (AUTOMATIC-24 hours)

PETITIONS OFFICE

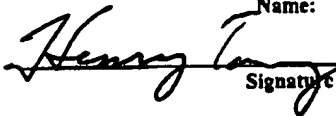
FOR ASSISTANCE: (212) 705-5000

MESSAGE : Attn: Examiner: not yet assignedGroup Art Unit: 2756CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper for Registration or Serial No. 09/240,509 is being facsimile transmitted to the Patent and Trademark Office on the date indicated below.

Henry Tang - PTO Reg. No. 29,705

Name:


SignatureJuly 14, 2000

Date

(TO BE COMPLETED IN DUPLICATE)

Client Number: 070050.0957

File Number: AP31569

BEST AVAILABLE COPY^E

FILE NO. AP31569-070050.0957

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hari Kalva et al.
Serial No. : 09/240,509
Filed : January 29, 1999 Group Art Unit 2756
For : METHOD AND SYSTEM FOR CLIENT-SERVER
INTERACTION IN INTERACTIVE COMMUNICATIONS

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
UNINTENTIONALLY ABANDONED UNDER 37 CFR §1.137(b)

July 14, 2000

VIA FACSIMILE - (703) 308-6916

Assistant Commissioner for Patents

Washington, D.C. 20231

FAX RECEIVED

JUL 14 2000

PETITIONS OFFICE

Sir:

Applicants hereby petition under 37 CFR §1.137(b) and MPEP §711.03(c) to
revive the above-identified patent application, which was unintentionally abandoned. At
no time did applicants intentionally abandon the above-identified application.

The application was filed on January 29, 1999 without an Oath or Declaration. A
Notice to File Missing Parts of the Application (the Oath or Declaration) was mailed on

09/15/2000 LGIBBS 00000009 024377 09240509
01 FC:241 605.00 CH

- 1 -

BEST AVAILABLE COPY

FILE NO. AP31569-070050.0957

PATENT

February 22, 1999. Owing to unexpected difficulties in obtaining the signatures of both co-inventors, each one having busy travel schedules, applicants' attorney did not have possession of a fully executed Declaration by September 22, 1999. The delay in filing a response to the Notice to File Missing Parts of the Application was unintentional.

Applicants' attorney sought to avert abandonment of the application by filing a Continuation Prosecution Application ("CPA"), which was submitted by Express Mail on September 22, 1999. Unbeknownst to applicants' attorney at the time, the application was already abandoned for failing to respond to the Notice to File Missing Parts of the Application within the six months period under 35 USC §133, and that the filing of the CPA was improper because the application on which the CPA was based was incomplete. Applicant's attorney at the time mistakenly believed in good faith that the six-month time limit under 35 USC §133 did not apply to a Notice to File Missing Parts of the application.

On November 30, 1999, applicants' attorney believing that the application was not abandoned on account of the filing of the CPA on September 22, 1999, submitted a Declaration signed by applicants and an Assignment executed by applicants.

On July 5, 2000, applicants' attorney's law firm received a communication from the United States Patent and Trademark Office dated June 22, 2000 advising that the CPA

BEST AVAILABLE COPY

BEST AVAILABLE COPY

FILE NO. AP31569-070050.0957

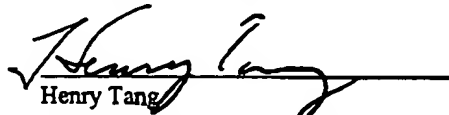
PATENT

papers submitted on September 22, 1999 for continuation of the present application were improper because a CPA cannot be filed on an incomplete application. It was only after receiving this communication which was not brought to the attention of applicants' attorney until July 12, 2000 that applicants' attorney realized that the present application is abandoned. Upon such realization, applicants' attorney prepared and filed this petition for revival of the above-identified application that he earnestly believed was not abandoned. The entire delay in filing a response to the Notice of Filing of Missing Parts of the application until the filing of the present Petition, which is believed to be grantable, was unintentional.

Authorization is hereby given to charge applicants' attorney's Deposit Account No. 02-4377 for the required fee under 35 USC §1.17(m). It is noted that a Verified Statement Claiming Small Entity Status has been filed in the application sought to be revived.

Favorable consideration of the present application is respectfully requested.

Respectfully submitted,


Henry Tang
Patent Office Reg. No. 29,705